

REMARKS

Claims 1-5, 7-9, 21-38 are pending and are rejected in the current Office Action. Applicants traverse each and every objection and rejection.

Claims 1, 21, 30 and 38 are objected to because 'present in' should be inserted into the claim. Applicants have amended these claims to address this objection.

Claims 21-29 are rejected under §112 for adding new matter. Applicants submit that the formulations in Examples 1-2 provide sufficient disclosure for compositions free of lactose.

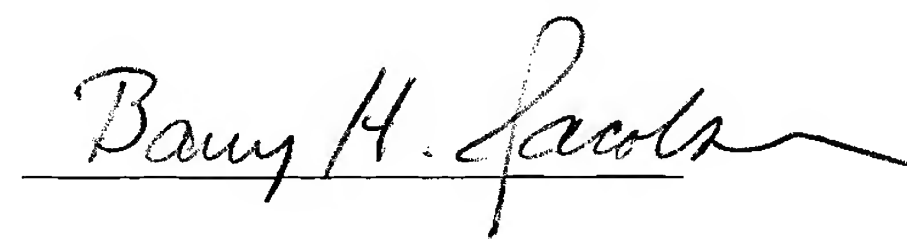
Claims 8-9, 28-29 and 36-37 are rejected under § 112, second paragraph for being indefinite. Applicants submit that the cited range is a measurement that a scientist commonly skilled in the art would know.

Claims 8-9, 28-29 and 36-37 were rejected for insufficient basis. Applicants have amended the claims.

Claims 21, 26, 28-30 and 36-37 were rejected under § 102 over Fassberg (US5474759). Claims 1-5, 7-9, 21-38 are rejected over Fassberg, US5474759 under § 103. Claims 1-5, 7-9, 21-38 are rejected over Fassberg, US5474759 in view of Fassberg, US5474759 for double patenting. Applicants request clarification on whether this is an error.

Applicants submit that the amended claims of the present invention obviate the rejections. Applicants submit that no new matter has been added by the amendments and respectfully request reconsideration. Applicants respectfully submit that the application is in condition for allowance and request favorable consideration.

Respectfully submitted,

A handwritten signature in cursive script, reading "Barry H. Jacobsen", written over a horizontal line.

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